

Amendments to the Drawings

The attached drawing sheets including Figs. 7-24 replace the originally filed drawing sheets including Figs. 7-24.

In Figs. 8-24, numerical identifiers of all primary elements have been included.

Fig. 7 has not been changed.

REMARKS

The Official Action of April 9, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 2-17, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claim 1 has been cancelled in favor new independent claim 17. Claims 2-17 remain in the application for consideration.

Applicant thanks the Examiner for his indication that claims 7-9 and 13-16 would be allowable subject to being rewritten in independent form.

In response to the Examiner's objection to the drawings under 37 CFR §1.83(a), Applicant has enclosed new replacement drawings for Figs. 8-24 amended to include numerical identification of the primary elements depicted therein corresponding to their description in the disclosure. Applicant further respectfully submits, contrary to the Examiner's observation, that none of the figures identified by the Examiner are identical to another of the identified figures. In comparison, each figure has either a different number of rollers, a different width, length, space of the lateral flanks and so on, from any of the other figures. For example, the length of element 8 in Figs. 9, 13 and 17 is respectively different from that of Figs. 10, 14 and 18. Elements 13 and 14 (unnumbered in Figs. 22-24) respectively

have different areas than those of Figs. 8-11. The figures that have one roller rather than two rollers is more obvious.

Applicant respectfully submits that the Examiner's objection to the drawings has now been overcome.

In response to the Examiner's rejection of claims 4-6 under 35 U.S.C. §112, second paragraph, Applicant has amended claims 4 and 5 to eliminate each of the problems identified by Examiner in these claims.

Applicant respectfully submits that the Examiner's 35 U.S.C. §112 rejection has now been overcome.

The Examiner has further rejected claims 1-6 and 10-12 under 35 U.S.C. §102(b) as being anticipated by Humphrey '418. Applicant respectfully traverses this rejection as applied to new independent claim 17.

As the Examiner will note, new independent claim 17 more specifically sets out the structural features of the claimed device's central body as having lateral flanks which extend down on opposite sides of the central body so as to permit engagement and positioning of the central body on an upper portion of a sliding bearing mounted above a sleeper of a track. Claim 17 further provides for the claimed rotary sliding element being cantilevered to extend out from an outer side of the claimed lateral flank so as to support the claimed point of the device in the inactive position.

Neither of these structural features are shown or taught by Humphrey whose device is limited to be mounted in an intermediate position between two adjacent sleepers and has no rotary sliding element as claimed.


Applicant respectfully submits that the claimed invention patentably defines over Humphrey on the basis of at least the structural differences identified above.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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